

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

v.

DANIEL CAMILO TIBADUIZA-OLARTE,
Defendant.
-----X

ORDER

17 CR 294 (VB)

2-1-24

On September 19, 2017, defendant Daniel Camilo Tibaduiza-OlarTE was sentenced principally to 108 months' imprisonment on his guilty plea to conspiracy to distribute and possess with intent to distribute cocaine and crack cocaine.

The applicable sentencing range was 108-135 months' imprisonment, based on a final offense level of 31 and a criminal history category of I.

The Bureau of Prisons projects that defendant will be released from prison on November 1, 2024.

As pertinent here, in Amendment 821 to the Sentencing Guidelines, which became effective November 1, 2023, the Sentencing Commission created a new Section 4C1.1, which provides for a two-level decrease in offense level for defendants with zero criminal history points who meet specified eligibility criteria. The Commission decided this change should be applied retroactively.

On January 31, 2024, the Probation Department issued a supplemental presentence report indicating defendant is eligible for a sentence reduction pursuant to Amendment 821, finding that defendant's amended offense level is 29, at Criminal History I, such that his amended sentencing range is 87-108 months' imprisonment.

Accordingly, by no later than February 8, 2024, defense counsel shall investigate and, if appropriate, file a motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) and Guidelines § 1B1.10. The government shall file a response by no later than February 15, 2024.

The motion will be resolved on the parties' written submissions, unless otherwise ordered by the Court.

Dated: February 1, 2024
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge